



City of Seattle

---

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2307198  
**Applicant Name:** Brittani Ard  
**Address of Proposal:** 3857 Gilman Avenue West

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel into three (3) lots (Unit Lot Subdivision). Proposed lot sizes are: A) 2,818.7 square feet, B) 1,168.7 square feet; and C) 1,168.7 square feet. Related projects: establish use as and construct one two-unit townhouse structure with one existing single-family structure to remain and occupy per plan all under MUP No. 2303394 Permit No. 738344.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into three lots as a unit subdivision.  
(Chapter 23.24.046, Seattle Municipal Code).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site Description**

The approximately 5,156 square foot property is located on Gilman Avenue West in the Magnolia area of Seattle. Pedestrian and vehicle access to the site is from both Gilman Avenue West and the north to south alley along the west property boundary.

The subject lot is zoned Multi-Family Lowrise 1 (L1). The zoning across the alley to the west is Single-Family 5000 (SF 5000) and the parcels to the north and south of this address are zoned Lowrise 1 (L-1). Development on the L-1 zoned lots consists of a mixture of single-family and multi-family structures, which is consistent with the Land Use Code.

### **Proposal**

The proposal is to subdivide one parcel into three (3) unit lots. The parent parcel is 5,156 square feet in area. The proposed lot sizes are: Parcel A: 2,818.7 square feet; Parcel B: 1,168.7 square feet; and Parcel C: 1,168.7 square feet. Vehicular and pedestrian access for proposed Parcel A will continue to be provided through the existing driveway on Gilman Avenue West. Vehicle access for proposed Parcels B and C will be from north to south alley that abuts the western property boundary of these parcels. The two new townhouse units will have parking within the structure. Pedestrian access from Gilman Avenue W for proposed Parcels B and C will be provided by the pedestrian access and utility easements that will extend along both the north and south property boundaries of proposed Parcel A, the south property boundary of proposed Parcel B and the north property boundary of proposed Parcel C. The proposed new structures on Parcels B and C have been reviewed for applicable code compliance under MUP No. 2303394 and Permit No. 738344. The existing ground related structure on proposed Parcel A will remain.

### **Public Comments**

The comment period for this proposal ended on November 19, 2003. One (1) written comment letter was received. This letter objected to increasing neighborhood density due to existing traffic and parking problems in the neighborhood that are asserted to need mitigation.

## **ANALYSIS - SHORT SUBDIVISION**

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Land Use Plans Examiner, the Structural Reviewer the Drainage Section, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for Multi-Family Lowrise 1 (L-1) use and all development must conform to the requirements of the applicable provisions of the Seattle Municipal Code (SMC). These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements. The establishment of use for the townhouses and their construction was reviewed under these provisions and approved and permitted under MUP No. 2303394 and Permit No. 738344.

The allowable density of the subject property is one dwelling unit per sixteen hundred (1,600) square feet of lot area. The lot area is approximately 5,156 square feet, hence three (3) units are allowed. Maximum lot coverage is forty-six (46) percent (SMC 23.45010.A.3. Total lot coverage of the existing and proposed structures is 1,837 square feet, which is approximately thirty-six (36) percent. Required parking for all units is provided on site and is accessed from the alley, for the new units, and from Gilman Avenue West for the existing structure. Pedestrian access to all units is from both the alley and Gilman Avenue West through pedestrian access easements that will extend along both the north and south property boundaries of proposed Parcel A, the south property boundary of proposed Parcel B and the north property boundary of proposed Parcel C. Building set-backs and height and the provision of open space were reviewed for conformance to the development codes for this zone and were approved under the above named permits.

*2. Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Vehicle access for the two (2) new units is provided from the alley. Vehicle access to the existing structure is from Gilman Avenue West.

All utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and requires an easement (#250314-1-009) to provide for electrical facilities and service to the proposed lots, which must be included on the final plat. This easement requires larger easements than those provided with this proposal. Specifically, the utility easement across the south portion of the west 26.45 feet of Unit Lot A shall be six (6) feet instead of four (4); the south portion of the east 51 feet of Unit Lot A shall be eight (8) feet instead of four (4); and the south portion of Unit Lot B shall be five (5) feet and labeled as such on the plat.

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for adequate emergency access.

To assure adequate address identification of both Unit Lots B and C from Gilman Avenue W, address signage shall be posted on either north or south access easement where it meets the right of way along Gilman Avenue W. An easement or covenant shall be recorded with the final plat to ensure that the address signage is maintained.

*3. Adequacy of drainage, water supply, and sanitary sewage disposal;*

Review for drainage and sanitary sewage disposal indicates these services are adequately provided for this unit lot subdivision.

Seattle Public Utilities has reviewed this proposal and assures water availability access provided a five (5) foot easement is provided across proposed Parcels A, B and C. (Water Availability Certificate # 2003-1175) The proposed four (4) foot utility easements on the north and south portions of Unit Lot A shall be changed to reflect this requirement.

*4. Whether the public use and interests are served by permitting the proposed division of land;*

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures. Ground related townhouse structures are allowed outright in the L-1 zone. This process therefore makes possible separate ownership of individual units that otherwise would be owned by one party and consequently some or all units would be available on a rental basis only.

The proposed unit lot subdivision meets the minimum provisions of the Seattle Land Use Code for L-1 development regulations and the applicable approval criteria for short platting.

The public use and interests are thereby served by permitting the proposed division of land.

*5. Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in any environmentally critical area as defined in SMC 25.09.240, therefore this criterion does not apply.

*6. Is designed to maximize the retention of existing tree;*

There were two medium sized trees located along the alley property line of the parent lot. These trees are not classified as significant, and therefore are not required to be preserved. SMC 23.45.015 (C.1.b) requires that all new multifamily dwelling units plant or preserve on-site trees. The lot size of the proposal requires that at least ten (10) caliper inches of trees be planted on site. Tree planting is required under MUP No. 2303394 and Permit No. 738344 and will be assured during final permit inspection.

*7. Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

One two-unit townhouse structure on the subject site is currently being developed. The existing single-family structure and parcel will become another unit lot. Pursuant to SMC 23.24.045(A and B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards. To assure that future owners have constructive notice that additional development may be limited due to nonconformities; the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

Summary

The proposed Unit Lot Subdivision meets the criteria of SMC 23.24.040, Short Plats, Unit Lot Subdivisions. Pursuant to the above discussion and the following conditions, it is thereby approved.

**DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

**CONDITIONS - SHORT SUBDIVISION**

*Conditions of Approval Prior to Recording*

The owner(s) and/or responsible party(s) shall:

1. Submit the final recording forms for approval and any necessary fees.
2. Change the pedestrian access and utility easement dimensions on the final plat documents to reflect the required dimensions shown on the attached easement language by Seattle City Light (#250314-1-009) and Seattle Public Utilities Water Availability Certificate 2003-1175.
3. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."
4. Provide an area for the posting of address signage and US Postal Service approved mail boxes for unit lots B and C on the pedestrian access easements across proposed Parcel A at a location visible from Gilman Avenue West and provide a covenant and/or an easement to ensure that address signage will be maintained.

Signature: \_\_\_\_\_ Date: December 18, 2003

Art Pederson, Land Use Planner  
Department of Planning and Development  
Land Use Services

AP:bg

Pederson/2307198ULSub1.doc

Attachments: Seattle City Light Easement P.M. # 250314-1-009  
Seattle Public Utilities Water Availability Certificate 2003-1175